

By: Gooden

H.B. No. 1082

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of intoxication assault.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 49.07, Penal Code, is amended to read as follows:

Sec. 49.07. INTOXICATION ASSAULT. (a) A person commits an offense if the person, by accident or mistake:

(1) while operating an aircraft, watercraft, or amusement ride while intoxicated, or while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes bodily injury or serious bodily injury to another; or

(2) as a result of assembling a mobile amusement ride while intoxicated causes bodily injury or serious bodily injury to another.

(b) In this section, "serious bodily injury" means bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(c) Except as provided by Section 49.09, an offense under this section is:

(1) a state jail felony if the actor causes bodily injury to another; or

1           (2) a felony of the third degree if the actor causes  
2 serious bodily injury to another.

3           SECTION 2. Section 49.09(b-1), Penal Code, is amended to  
4 read as follows:

5           (b-1) The punishment prescribed for an [An] offense under  
6 Section 49.07 is increased to the punishment prescribed for the  
7 next higher category of offense [a felony of the second degree] if  
8 it is shown on the trial of the offense that the person caused  
9 bodily injury or serious bodily injury to a peace officer, a  
10 firefighter, or emergency medical services personnel while in the  
11 actual discharge of an official duty.

12           SECTION 3. The change in law made by this Act applies only  
13 to an offense committed on or after the effective date of this Act.  
14 An offense committed before the effective date of this Act is  
15 covered by the law in effect when the offense was committed, and the  
16 former law is continued in effect for that purpose. For purposes of  
17 this section, an offense was committed before the effective date of  
18 this Act if any element of the offense occurred before that date.

19           SECTION 4. This Act takes effect September 1, 2013.